

App. No. 10/088243  
Office Action Dated April 8, 2004  
Amd. Dated September 8, 2004

### **REMARKS**

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 1 and 17-19 are hereby amended. Claim 20 has been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-19 are pending.

The specification has been amended to incorporate elements 103 and 104, shown in Figs. 4 and 5. No new matter has been added.

#### **Claim rejections - 35 U.S.C. § 112**

Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants do not concede correctness to the rejection. Applicants respectfully traverse the rejection. Claims 17-19 have been amended and claim 20 has been canceled. Withdrawal and reconsideration is respectfully requested.

#### **Claim rejections - 35 U.S.C. § 103**

Claims 1 and 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (EP 0 786 837) in view of Johnston et al. (US 6,144,787). Applicants do not concede correctness to the rejection. Applicants respectfully traverse the rejection for at least the following reasons.

Claim 1 is directed to a laser apparatus (1, 101) for use in treatment of skin or mucosa of an animal, including a human being. The apparatus is used for treating a variety of surface or deeper tissue diseases (page 3, lines 1-5 and page 7, lines 4-10). The apparatus comprises a laser diode, collimating lens, power stabilizing system and deflection system. The collimating lens is arranged between the laser diode and the deflection system. The claimed apparatus ensures optimal collection of light energy from

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the light source with the use of one lens. The deflection system deflects light reflected from the treated surface away from the power stabilizing system.

Baldwin teaches an integrated laser-light source which generates laser light having a controlled intensity. The laser is a surface-emitting laser, which is used as light source in laser printers and optical communication links. Baldwin fails to disclose or suggest an apparatus for use in treatment of skin or mucosa of an animal, including a human being in which a collimating lens is arranged between the laser diode and a deflection system which deflects light reflected from a treated surface away from the power stabilizing system. Furthermore, several arrangements taught in Baldwin present the problem of light being reflected from a surface to the housing of the laser.

Johnston teaches an apparatus for aiming and projecting laser radiation emitted from an output face at an output end of an optical fiber transmitter. The optical system taught by Johnston includes two plano-convex lens elements, in which the visible light rays and laser radiation are collimated by lens 28 and in which the collimated visible light rays and laser radiation are refocused by lens-element 30. Johnston requires the use of two lenses. Johnston fails to disclose or suggest an apparatus for use in treatment of skin or mucosa of an animal, including a human being in which a collimating lens is arranged between the laser diode and the deflection system.

Neither Baldwin nor Johnston disclose or suggest an apparatus for use in treatment of skin or mucosa, which deflects light reflected from a treated surface away from the power stabilizing system. Thus, neither Baldwin nor Johnston disclose or suggest the deflected light would interfere with the intensity control. Furthermore, Baldwin nor Johnston disclose or suggest the positioning of the collimating lens in

App. No. 10/088243  
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relation to the deflection system. Thus, Baldwin fails to render claim 1 obvious.

Johnston fails to remedy the deficiency of Baldwin. Withdrawal of the rejection is respectfully requested.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (EP 0 786 837) in view of Johnston et al. (US 6,144,878) and further in view of Jewell et al. (US 5,825,796). Applicants do not concede correctness to the rejection. Applicants respectfully traverse the rejection. Claim 2 depends from claim 1. For the reasons discussed above for claim 1, withdrawal is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

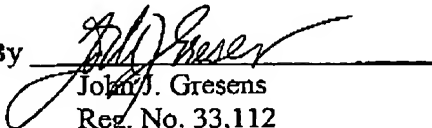
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Dated: September 8, 2004

JJG:smm

By

  
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